

CITY BOARD OF ZONING APPEAL #06001

DATE SCHEDULED FOR PUBLIC HEARING:

January 27, 2006

LOCATION:

Generally located northwest of the intersection of NW 56th and West O Streets.

ADDRESS:

401 NW 56th Street

LEGAL DESCRIPTION:

Lot 23, located in the SE 1/4 of Section 24-10-5, Lancaster County, Nebraska.

EXISTING LAND USE AND ZONING:

Vacant

H-4 General Commercial

SURROUNDING LAND USE AND ZONING:

North:	I-80, Agriculture	AG
South:	Commercial	H-3
East:	Commercial	H-4
West:	Agriculture	AG

TYPE(S) OF APPEAL(S):

1. THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO AN EXCEPTION.

A. Lincoln Municipal Code (LMC) Section 27.67.020 requires 142 off-street parking spaces for the proposed use. An exception to the parking requirement to allow 59 is being requested.

STAFF FINDINGS:

1. The subject property is located in the H-4 zoning district. The applicant is proposing to construct a 42,380 square foot truck repair facility.
2. The proposed use is allowed in the H-4 district, and the off-street parking requirement is one parking space per 300 square feet of floor area. Based upon the floor area, 142 parking spaces are required
3. The site plan shows the proposed facility occupying approximately 5 acres of a 30 acre site. Of the 5 acres being developed, the building occupies approximately one acre. The applicant notes that the site is large enough to accommodate changes in the future should the occupancy, staffing, or use change.
4. The parking requirement for all uses in the H-4 district is one space per 300 square feet of floor area except: one space per dwelling unit for caretakers living on-site; one space per 100 square feet of floor area for restaurants; and one space per 1,000 square feet for the first 50,000 square feet, and one space per

- 2,000 square feet in excess of 50,000 square feet, or one space per employee on the maximum shift for warehouses. No other distinctions are made.
5. The applicant states that due to the nature of a truck repair facility, the parking standard of one space per 300 square feet of floor area requires more spaces than are needed to serve the proposed use.
 6. The applicant provided a parking demand table showing anticipated employees and customers. It shows 24 employees on the first shift, 18 employees on the second shift, and 17 spaces for customers. The 59 total spaces shown provides for a complete overlap of spaces during employee shift changes. 17 customer parking spaces appears to be a reasonable number given the low traffic generation volumes typically associated with such a use, and the total amount of parking provided appears adequate to accommodate this use.
 7. In the future, the parking standards in the Zoning Ordinance should be reviewed with an eye towards creating standards that are better tailored to different land use.
 8. The standard for granting an exception is different than for granting a variance, and are viewed differently relative to the findings that must be made in order to grant an exception. LMC Section 27.75.040 states that the Board of Zoning Appeals is empowered to hear appeals to grant exceptions to reduce the parking requirements in the commercial, business or industrial districts whenever the character of the use of building is such as to make unnecessary the full provisions of parking facilities as required. In permitting a reduction, the board may restrict the use of the building to uses requiring a similar reduced number of parking facilities. The granting of a reduction in parking requirements shall not serve as a convenience to the petitioner but shall recognize the varying demands for off-street parking by different uses that cannot reasonably be determined in detail in the zoning ordinance.
 9. If this appeal is denied, the property owner will be required to construct the required number of off-street parking spaces.

Prepared by

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Planner
January 18, 2005

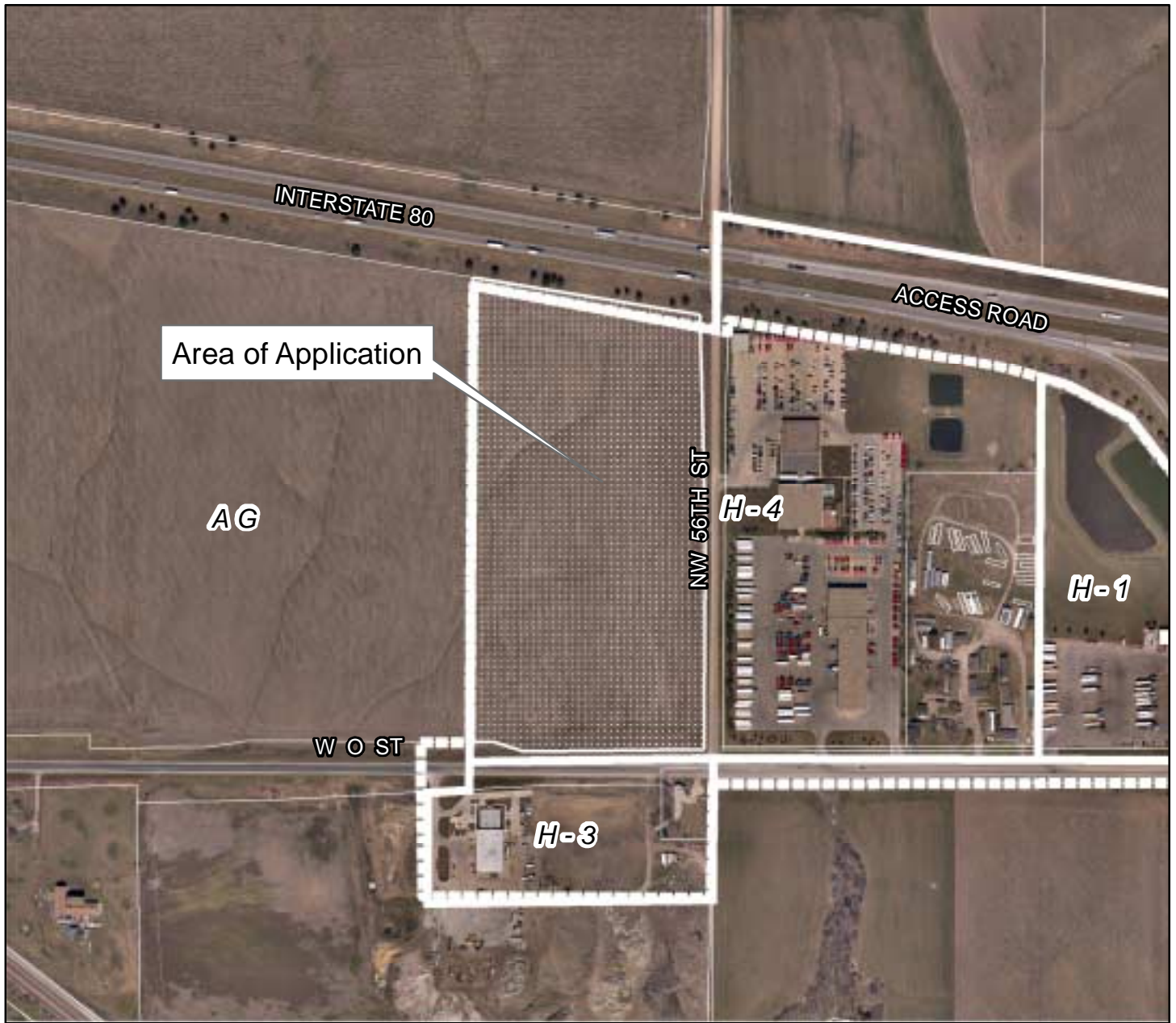
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Board of Zoning Appeals #06001 401 NW 56th Street

2005 aerial
Holdrege St.

Zoning:

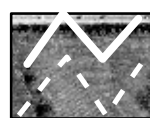
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 24 T10N R5E



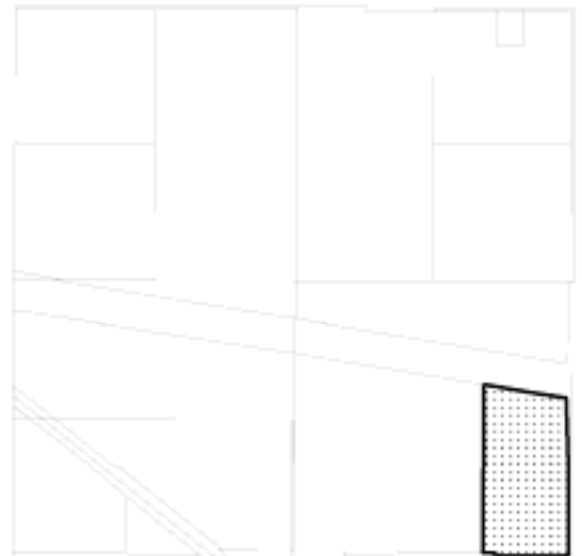
NW 70th St.

NW 56th St.



Zoning Jurisdiction Lines

City Limit Jurisdiction



O St.